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SUBJECT: BOTH SIDES SEE SOMETHING TO CELEBRATE IN VICTIMS'  
LAW DEMISE

REF: BOGOTA 1369

#### SUMMARY

1. (U) Citing exorbitant costs, the Uribe coalition voted down the final version of the Victim's bill--which would have provided financial and land reparations to all victims--on June 18. Victims' groups considered the loss a relative victory since the GOC-sponsored Victims' bill--which required state agents to be convicted prior to the payment of reparations and provided less generous benefits--died in conference committee. UNHCHR called the GOC distinction between different classes of victims "discriminatory." Both the GOC and opposition promised to introduce new Victims' bills when Congress resumes in July. End Summary

#### VICTIMS' BILL DIES: BOTH SIDES SEE THE BRIGHT SIDE

2. (U) The Uribista coalition in the Senate voted down the Victims' bill on June 18. The bill's final version, negotiated in conference committee between the two chambers, maintained the Senate-approved opposition bill language rather than the House-approved GOC bill. The GOC bill ignored land reparations and provided limited financial compensation to victims of guerrillas and paramilitaries. Victims of state agents would only receive benefits if the perpetrators were convicted in court. In contrast, the opposition bill offered both financial and land reparations, and considered all victims to be equal under the law, regardless of the aggressor (REFTEL). It also called for substantially more generous financial reparations than the GOC bill, and mandated GOC protective measures--independent of a threat assessment--for all victims.

3. (U) President Uribe intervened to quash the final version. He defended the GOC bill's distinction between victims, saying military and police should not be placed on equal footing with terrorists. Uribe said the final bill's proposed cost--which he put at \$40 billion--was unaffordable, and would ultimately be no more than an "empty promise." (Note: The total GOC budget in 2009 is \$70 billion.) The GOC proposal came in at \$11 billion. The GOC based its estimates on the almost one million potential beneficiaries--233,103 victims and 693,000 displaced families--already registered with Accion Social. Uribe accused the bill's supporters of

thinking more of their election prospects than of the victims, and promised the GOC's administrative reparations program--a \$100 million dollar project directed at 10,000 victims and originally set to launch in May--would soon begin making payments.

¶4. (U) Human rights groups scoffed at the GOC's purported financial concerns, attributing the GOC's resistance to the opposition bill's equitable treatment of all victims, but they provided no alternative financial estimates. The opposition also failed to identify any potential funding sources. Liberal party Senator Juan Fernando Cristo, co-sponsor of the opposition bill, simply said it was the GOC's duty to find the resources to pay all victims reparations.

¶5. (U) Victims' rights groups, increasingly concerned the narrower, GOC-sponsored bill would become law, launched a widespread lobbying and press campaign against it. They celebrated the opposition bill's success in conference committee and considered its ultimate defeat a relative triumph since the GOC bill also died with it.

WHO IS A VICTIM?

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¶6. (U) United Nations High Commissioner for Human Rights Navy Pillay called the GOC's distinction between victims of state agents and victims of illegal groups "discriminatory" and urged the GOC to make reparations to all victims "without conditions." The Colombia UNHCHR office lamented the

opposition bill's demise in a June 23 press release and reiterated that international standards required the GOC to compensate victims according to the harm suffered, rather than according to the author of the crime. Ivan Cepeda, Director of the National Movement of Victims of State Violence, said the GOC's categorization of victims was immoral and showed the GOC is uninterested in defending victims' rights.

¶7. (U) Both the GOC and opposition promised to introduce new Victims' bills when Congress reconvenes in July.  
Brownfield